



General Assembly

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Amendment

LCO No. 6024

SB0127106024SD0

Offered by:

SEN. HANDLEY, 4th Dist.

To: Subst. Senate Bill No. 1271

File No. 328

Cal. No. 278

***"AN ACT CONCERNING REPORTS COMPILED BY THE BOARD
OF EDUCATION AND SERVICES FOR THE BLIND."***

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 10-293 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2005*):

5 (a) The Board of Education and Services for the Blind shall consist of
6 seven members, six of whom shall be appointed by the Governor and
7 shall be residents of this state. The Commissioner of Social Services
8 shall be a member, ex officio. One of the members appointed by the
9 Governor shall be the parent of a child who receives services provided
10 by the board, and not less than two of the members appointed by the
11 Governor shall be blind persons. One of the members appointed by the
12 Governor, shall be designated by the Governor as the chairperson of
13 the board. The Governor may, for reasonable cause, remove any
14 appointed member and appoint another person to fill the vacancy for
15 the unexpired portion of the term. The board shall meet annually in

16 the month of September and may meet at any other time upon the call
17 of its [director] chairperson; and the [director] chairperson shall call a
18 meeting at the request of two members. Any appointed member who
19 fails to attend three consecutive meetings or fifty per cent of all
20 meetings held during any calendar year shall be deemed to have
21 resigned. A majority of the members in office shall constitute a
22 quorum. [The board shall adopt rules for its own action and
23 regulations for determining what persons shall receive benefits under
24 the provisions of this chapter.]

25 (b) The Board of Education and Services for the Blind shall be
26 within the Department of Social Services for administrative purposes
27 only.

28 Sec. 502. Section 10-294 of the general statutes is repealed and the
29 following is substituted in lieu thereof (*Effective October 1, 2005*):

30 The Governor shall appoint an executive director of the board in
31 accordance with the provisions of section 4-7. The executive director
32 shall be a person who has (1) background, training or education
33 related to services for the blind, and (2) experience in program
34 administration, oversight and leadership. The compensation of said
35 director shall be determined in the manner provided in section 4-40.
36 No member of the board established pursuant to section 10-293, as
37 amended by this act, shall receive compensation for services rendered
38 unless such services are special and specially requested by the board,
39 in which case a moderate allowance may be made for the time actually
40 spent. The certificate of the director of the amount of any bill for such
41 services and expenses shall be sufficient warrant to the Comptroller for
42 the payment of the same. The board shall adopt rules for its own action
43 and regulations for determining which persons shall receive benefits
44 under the provisions of this chapter.

45 Sec. 503. Section 10-294a of the general statutes is repealed and the
46 following is substituted in lieu thereof (*Effective October 1, 2005*):

47 For the purposes of this chapter:

48 (a) A person is legally blind if [his or her] such person's central
49 visual acuity does not exceed 20/200 in the better eye with correcting
50 lenses, or if [his or her] such person's visual acuity is greater than
51 20/200 but is accompanied by a limitation in the fields of vision such
52 that the widest diameter of the visual field subtends an angle no
53 greater than twenty degrees;

54 (b) A person has impaired vision if [his or her] such person's central
55 visual acuity does not exceed 20/70 in the better eye with correcting
56 lenses. [; and]

57 [(c) Products are made or manufactured by or services are provided
58 by blind persons if not less than seventy-five per cent of the man hours
59 of direct labor required for such products or services are performed by
60 blind persons.]

61 Sec. 504. Section 10-295 of the general statutes is repealed and the
62 following is substituted in lieu thereof (*Effective October 1, 2005*):

63 (a) All residents of this state, regardless of age, who, because of
64 blindness or impaired vision, require specialized vision-related
65 educational programs, goods and services, on the signed
66 recommendation of the director of the Board of Education and Services
67 for the Blind, shall be entitled to receive such instruction, programs,
68 goods and services for such length of time as is deemed expedient by
69 said director. Upon the petition of any parent or guardian of a blind
70 child or a child with impaired vision, a local board of education may
71 provide such instruction within the town or it may provide for such
72 instruction by agreement with other towns as provided in subsection
73 (d) of section 10-76d. All educational privileges prescribed in part V of
74 chapter 164, not inconsistent with the provisions of this chapter, shall
75 apply to the pupils covered by this subsection.

76 (b) The Board of Education and Services for the Blind shall expend
77 funds for the services made available pursuant to subsection (a) of this
78 section from the educational aid for blind and visually handicapped
79 children account in accordance with the provisions of this subsection.

80 The expense of such services shall be paid by the state in an amount
81 not to exceed six thousand four hundred dollars in any one fiscal year
82 for each child who is blind or visually impaired. The Board of
83 Education and Services for the Blind may adopt such regulations as it
84 deems necessary to carry out the purpose and intent of this subsection.

85 (1) The Board of Education and Services for the Blind shall provide,
86 upon written request from any interested school district, the services of
87 teachers of the visually impaired, based on the levels established in the
88 individualized education or service plan. The agency shall also make
89 available its resources, including, but not limited to, the Braille and
90 large print library, to all teachers of public and nonpublic school
91 children. The agency may also provide vision-related professional
92 development and training to all school districts and cover the actual
93 cost for paraprofessionals from school districts to participate in agency
94 sponsored Braille training programs. The agency shall utilize
95 education consultant positions authorized as of July 1, 2001, funded by
96 moneys appropriated from the General Fund, to supplement new
97 staffing that will be made available through the educational aid for the
98 blind and visually handicapped children account, which shall be
99 governed by formal written policies established by the agency.

100 (2) The Board of Education and Services for the Blind shall use
101 funds appropriated to said account, first to provide specialized books,
102 materials, equipment, supplies, adaptive technology services and
103 devices, specialist examinations and aids, preschool programs and
104 vision-related independent living services, excluding primary
105 educational placement, for eligible children without regard to a per
106 child statutory maximum.

107 (3) The Board of Education and Services for the Blind may, within
108 available appropriations, employ certified teachers of the visually
109 impaired in sufficient numbers to meet the requests for services
110 received from school districts. In responding to such requests, the
111 agency shall utilize a formula for determining the number of teachers
112 needed to serve the school districts, crediting six points for each

113 Braille-learning child and one point for each other child, with one full-
114 time certified teacher of the visually impaired assigned for every
115 twenty-five points credited. The agency shall exercise due diligence to
116 employ the needed number of certified teachers of the visually
117 impaired, but shall not be liable for lack of resources. Funds
118 appropriated to said account may also be utilized to employ
119 rehabilitation teachers, rehabilitation technologists and orientation and
120 mobility teachers in numbers sufficient to provide compensatory skills
121 evaluations and training to blind and visually impaired children. Not
122 later than October first of each year, the Board of Education and
123 Services for the Blind shall determine the number of teachers needed
124 based on the formula provided in this subdivision. Based on such
125 determination the Board of Education and Services for the Blind shall
126 estimate the funding needed to pay such teachers' salaries, benefits
127 and related expenses.

128 (4) In any fiscal year, when funds appropriated to cover the
129 combined costs associated with providing the services set forth in
130 subdivisions (2) and (3) of this subsection are projected to be
131 insufficient, the Board of Education and Services for the Blind shall be
132 authorized to collect revenue from all school districts that have
133 requested such services on a per student pro rata basis, in the sums
134 necessary to cover the projected portion of these services for which
135 there are insufficient appropriations.

136 (5) Remaining funds in said account, not expended to fund the
137 services set forth in subdivisions (2) and (3) of this subsection, shall be
138 used to cover on a pro rata basis, the actual cost with benefits of
139 retaining a teacher of the visually impaired, directly hired or
140 contracted by the school districts which opt to not seek such services
141 from the Board of Education and Services for the Blind, provided such
142 teacher has participated in not less than five hours of professional
143 development training on vision impairment or blindness during the
144 school year. Reimbursement shall occur at the completion of the school
145 year, using the caseload formula denoted in subdivision (3) of this
146 section, with twenty-five points allowed for the maximum

147 reimbursable amount as established by the agency annually.

148 (6) Remaining funds in such account, not expended to fund the
149 services set forth in subdivisions (2), (3) and (5) of this subsection, shall
150 be distributed to the school districts on a pro rata formula basis with a
151 two-to-one credit ratio for Braille-learning students to non-Braille-
152 learning students in the school district based upon the annual child
153 count data provided pursuant to subdivision (1) of this subsection,
154 provided the school district submits an annual progress report in a
155 format prescribed by the agency for each eligible child.

156 (c) The Board of Education and Services for the Blind may provide
157 for the instruction of the adult blind in their homes, expending
158 annually for this purpose such sums as the General Assembly may
159 appropriate.

160 (d) The Board of Education and Services for the Blind may expend
161 up to ten thousand dollars per fiscal year per person twenty-one years
162 of age or over who is both blind or visually impaired and deaf for the
163 purpose of [sending such person to a specialized public or private
164 facility within the state furnishing programs] providing services
165 through specialized public and private entities from which such
166 person can [profit] benefit. Said board may determine the criteria by
167 which a person is [sent to a] eligible to receive specialized [public or
168 private facility] services and may adopt regulations necessary to carry
169 out the provisions of this subsection.

170 (e) The Board of Education and Services for the Blind may, within
171 available appropriations, purchase adaptive equipment for persons
172 receiving services pursuant to this chapter. [The cost of such purchases
173 shall not exceed, and shall be included in, the maximum amount
174 authorized for instructional expenses under subsection (b) of this
175 section.]

176 Sec. 505. Section 10-296 of the general statutes is repealed and the
177 following is substituted in lieu thereof (*Effective October 1, 2005*):

178 The director may, within [the expenditure therefor provided in
179 section 10-295] available appropriations, contract with public or
180 private [institutions] entities, individuals or private enterprises [having
181 facilities] for the instruction of the blind. [, for the education, board and
182 keep of blind persons who are bona fide residents of this state found
183 by the director to be fitted for such instruction. Said director may
184 compel attendance of any blind child, until such child attains the age
185 of sixteen years, at an institution providing instruction as defined in
186 this section; and, if the parents or guardians of such child do not assent
187 thereto, on the application of the director the court of probate of the
188 district wherein such child resides shall, after investigation and after
189 reasonable notice to the parents or guardians of such child of the time
190 and place of hearing upon such application, inquire further into the
191 facts and, if such court finds action warranted, it shall issue an order as
192 to the attendance of such child at a school or an institution deemed
193 most suitable for his instruction.]

194 Sec. 506. Section 10-298 of the general statutes is repealed and the
195 following is substituted in lieu thereof (*Effective October 1, 2005*):

196 (a) The Board of Education and Services for the Blind shall,
197 annually, as provided in section 4-60, submit to the Governor its
198 report, containing a statement of the activities of the board during the
199 preceding year. Said board shall prepare and maintain a register of the
200 blind in this state which shall describe their condition, cause of
201 blindness and capacity for education and [industrial] rehabilitative
202 training. The board may register cases of persons whose eyesight is
203 seriously defective and who are liable to become visually
204 [handicapped] disabled or blind, and may take such measures in
205 cooperation with other authorities as it deems advisable for the
206 prevention of blindness or conservation of eyesight and, in appropriate
207 cases, for the education of children and for the vocational guidance of
208 adults having seriously defective sight but who are not blind. The
209 agency shall establish criteria for low vision care and maintain a list of
210 ophthalmologists and optometrists that are exclusively authorized to
211 receive agency funds through established and existing state fee

212 schedules for the delivery of specifically defined low vision services
213 that increase the capacity of eligible recipients of such services to
214 maximize the use of their remaining vision.

215 (b) The board may accept and receive any bequest or gift of personal
216 property and, subject to the consent of the Governor and Attorney
217 General as provided in section 4b-22, any devise or gift of real property
218 made to said board, and may hold and use such property for the
219 purposes, if any, specified in connection with such bequest, devise or
220 gift.

221 Sec. 507. Section 10-298a of the general statutes is repealed and the
222 following is substituted in lieu thereof (*Effective October 1, 2005*):

223 (a) The Board of Education and Services for the Blind [is authorized]
224 may, within available appropriations, (1) [to] maintain and develop
225 workshops for training and employing blind persons in trades and
226 occupations suited to their abilities, for the purpose of producing
227 suitable products and services used by departments, agencies and
228 institutions of the state and its political subdivisions, including, but not
229 limited to towns, cities, boroughs and school districts; (2) [to] aid blind
230 persons in securing employment, in developing home industries and
231 in marketing their products and services; [and] (3) [to] develop and
232 implement rules and guidelines to guarantee that the dignity and
233 rights of citizens involved in such workshops and work training
234 programs shall be maintained; and (4) fund employment and
235 vocational training at community rehabilitation facilities.

236 (b) For any fiscal year that the board operates a workshop pursuant
237 to subsection (a) of this section, the board shall file with the
238 Comptroller a balance sheet as of June thirtieth and a statement of
239 operations for the fiscal year ending on that date. A copy of such
240 statement shall be filed with the Auditors of Public Accounts.

241 Sec. 508. Section 10-298b of the general statutes is repealed and the
242 following is substituted in lieu thereof (*Effective October 1, 2005*):

243 Whenever any of the products made or manufactured or services
244 provided by blind persons under the direction or supervision of the
245 Board of Education and Services for the Blind meet the requirements of
246 any department, institution or agency supported in whole or in part by
247 the state as to quantity, quality and price such products shall have
248 preference, except over articles produced or manufactured by
249 Department of Correction industries as provided in section 18-88, and
250 except for emergency purchases made under section 4-98. All
251 departments, institutions and agencies supported in whole or in part
252 by the state shall purchase such articles and services from the Board of
253 Education and Services for the Blind. Any political subdivision of the
254 state may purchase such articles made or manufactured and services
255 provided by the blind through the Board of Education and Services for
256 the Blind. Said board shall issue at sufficiently frequent intervals for
257 distribution to the Commissioner of Administrative Services, the
258 Comptroller and the political subdivisions of the state, a catalog
259 showing styles, designs, sizes and varieties of all products made by
260 blind persons pursuant to this section or [handicapped] disabled
261 persons pursuant to section 17b-656 and describing all available
262 services provided by the blind or [handicapped] disabled.

263 Sec. 509. Section 10-306 of the general statutes is repealed and the
264 following is substituted in lieu thereof (*Effective October 1, 2005*):

265 The Board of Education and Services for the Blind may maintain a
266 [rehabilitation service for the] vocational rehabilitation [and placement
267 in remunerative employment of persons whose capacity to earn a
268 living has been lost or impaired by reason of lessened visual acuity.
269 For the purpose of this section and sections 10-307 and 10-308:
270 "Vocational rehabilitation" means any services, provided directly or
271 through public or private instrumentalities, found to be necessary to
272 compensate a person whose visual acuity has been impaired for his or
273 her employment handicap and to enable such person to engage in a
274 remunerative occupation, including, but not limited to, medical and
275 vocational diagnosis, vocational guidance, counseling and placement,
276 rehabilitation training, physical restoration, transportation,

277 occupational licenses, customary occupational tools and equipment,
278 maintenance and training books and materials; "rehabilitation training"
279 means all necessary training provided for a person whose visual acuity
280 has been impaired to compensate for his or her employment handicap,
281 including, but not limited to, manual, preconditioning, prevocational,
282 vocational and supplementary training and training provided for the
283 purpose of achieving broader and more remunerative skills and
284 capacity; and "physical restoration" means any medical, surgical or
285 therapeutic treatment necessary to correct or substantially reduce
286 within a reasonable length of time the employment handicap of a
287 person whose visual acuity has been impaired, including, but not
288 limited to, medical, psychiatric, dental and surgical treatment, nursing
289 service, hospital care, convalescent home care, drugs, medical and
290 surgical supplies and prosthetic appliances, but excluding curative
291 treatment for acute or transitory conditions] program as authorized
292 under the Federal Rehabilitation Act of 1973, 29 USC 791 et seq., for the
293 purpose of providing and coordinating the full scope of necessary
294 services to assist legally blind recipients of services from the board to
295 prepare for, enter into and maintain employment consistent with the
296 purposes of said act.

297 Sec. 510. Sections 10-294b and 10-311 of the general statutes are
298 repealed. (*Effective October 1, 2005*)"